

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow. Claims 1-45 were and remain pending in the present application.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

In the Office Action, claims 1-45 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kawan (U.S. Patent No. 6,442,532) in view of Moskowitz et al. (U.S. Patent No. 5,822,432). For at least the following reasons, this rejection has been overcome.

By way of background, the present invention is directed to completing a transaction or settling the purchase of goods and services using a mobile terminal and a settlement computer. Claim 1 recites a method in accordance the invention, while claims 35 and 37 recite a mobile terminal and settlement computer, respectively. The method of the present invention, as described in independent claim 1, comprises: storing purchaser ID information for identifying a purchaser by a mobile terminal; preparing deal information and seller ID identification information for identifying the seller; reading in the deal information and the seller ID information by the mobile terminal; reading in authentication information of the purchaser by the mobile terminal; transmitting the seller ID information, the purchaser ID information, the deal information and the authentication information to a settlement computer by the mobile terminal; authenticating the purchaser based on the purchaser ID information and the authentication information by the settlement computer; and when succeeding in authenticating the purchaser, settling the transaction by the settlement computer utilizing the seller ID information, the purchaser ID information and the deal information.

The Office Action asserts that Kawan discloses each of the aforementioned steps except for authentication. Applicant respectfully disagrees. Kawan is generally directed to portable terminals for providing financial information and performing financial transactions, such as portable automated teller machines (ATMs). Unlike the present invention, it is not directed to performing a sale of a good or service or settling a transaction for the same, and thus, does not perform the steps of the claimed invention.

Specifically, claim 1 recites "storing purchaser identification information for identifying a purchaser by a mobile terminal." If the Office Action is alleging that the portable ATM of Kawan reads on the mobile terminal recited in the claim, then it must also perform the recited function. The portable ATM of Kawan does not store purchaser identification information. Indeed, consumer security concerns dictate that "purchaser information" be stored on a card held by the purchaser, not in the ATM.

Claim 1 further recites preparing deal information and seller identification information and reading such information into the mobile terminal. Since Kawan is not directed to the sale of goods or services, it does not "prepare deal information in said deal of said goods or said service in which a seller sells and said purchaser purchases" and does not read such information into a mobile terminal. The Office Action alleges that the abstract of Kawan, column 2, lines 11-23 and column 3, lines 10-67 disclose these claimed step. Applicant has reviewed in detail the cited portions of the reference and submits that they merely describe the use of smart cards and the various ways of networking the portable ATMs and connecting them to communication networks.

Claim 1 further recites transmitting seller identification information, purchaser identification information, deal information and authentication information from the mobile terminal to a settlement computer. Kawan does not disclose, teach or suggest this feature. Indeed, there would be no need for the portable ATMs of Kawan to transmit seller identification information. Kawan, of

course, also does not disclose transmitting deal information or authentication information from a mobile terminal to a settlement computer.

As conceded in the Office Action, Kawan further does not disclose authenticating the purchaser based on purchaser identification information and the authentication information as recited in the claims.

The Office Action alleges that Moskowitz et al. provides the teachings missing from Kawan. Applicant respectfully disagrees. Moskowitz et al. is directed to the encoding and decoding of digital watermarks. This technology is relevant to digital multimedia and the protection of copyrighted works. It has no bearing on completing a transaction or settling the purchase of goods and services using a mobile terminal and a settlement computer, according to the present invention. It has no bearing on portable ATMs according to Kawan. It is squarely in an unrelated art to the present invention and to the primary reference Kawan. There is also no motivation to combine digital watermarking technology of Moskowitz et al. to the portable ATM technology of Kawan.

The impropriety of combining the Moskowitz et al. reference with Kawan notwithstanding, Moskowitz et al. fails to provide the missing teachings of Kawan with respect to the claims of the present invention. Claim 1 recites the steps of "reading in authentication information of said purchaser by said mobile terminal" and "authenticating said purchaser based on said purchaser identification information and said authentication information by said settlement computer." Moskowitz et al. fails to disclose teach or suggest these steps. The digital watermarking of Moskowitz et al. is not authenticating a purchaser nor is it teaching reading in authentication information of a purchaser from a mobile terminal. Of course, it also does not teach or suggest the step of authenticating a purchaser based on purchaser ID and authentication information acquired from the purchaser.

The remaining independent claims 35 and 37 recite a mobile terminal and settlement computer and recite similar elements as discussed above. In view of

the foregoing, the rejection under 35 U.S.C. § 103(a) should be reconsidered and withdrawn.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

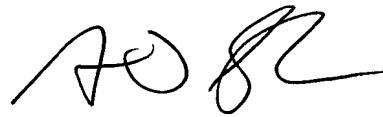
The Examiner is respectfully requested to acknowledge Applicant's claim for priority made on May 8, 2001.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

MARCH 2, 2004

Date



Ankur D. Shah

Registration No. 41,514

FOLEY & LARDNER

Customer Number: 22428

Telephone: (202) 672-5300

Facsimile: (202) 672-5399